

FEB 03 2003

02-04-03

PTO/SB/30 (5/2000)

Approved for use through xx/xx/xxxx. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

RCE/1600
1603

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Express Mail No.	EL 500 578 375 US
Application Number	09/428,674
Filing Date	October 27, 1999
First Named Inventor	Michael Nehls
Group Art Unit	1631
Examiner Name	Ardin Marschel
Attorney Docket Number	8535-029-999

28
JPL/KMT
FEB 21
TECH CENTER 1600
2003
RECEIVED

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on February 15, 2002 and August 15, 2002
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments and incorporate by reference the Appeal Brief previously filed on August 15, 2002
 - iii. Other _____
- b. Enclosed
 - i. Amendment Under 37 C.F.R. § 1.111
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

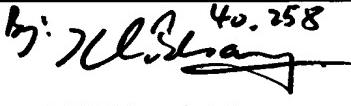
2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of 3 months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Pennie & Edmonds LLP Deposit Account No. 16-1150:
 - i. RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 375 (small entity)
 - ii. Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ 205 (small entity) for a two month extension, the Petition for which is being made herewith
 - iii. Other: Fee under 37 C.F.R. § 1.17(i) \$130 for Suspension of Action
- b. Check in the amount of \$____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Laura A. Coruzzi		Registration No. (Attorney/Agent) 30,742
Signature 		Date February 3, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or by facsimile transmitted to fax no. 1-703-_____ to the U.S. Patent and Trademark Office on the date indicated below.

Name (Print/Type)		Registration No. (Attorney/Agent)
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

02/05/2003 CV0111 00000020 161150 09428674

01 FC:2801 375.00 CH

NY2 - 1387642.1



Express Mail No.: EL 500 578 375 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Nehls *et al.*

Confirmation No: 4973
#29/D
Plunkett

Application No.: 09/428,674

Group Art Unit: 1631
2/9/03

Filed: October 27, 1999

Examiner: Marschel, Ardin H. (WE)
JM

For: NOVEL HUMAN
POLYNUCLEOTIDES AND THE
POLYPEPTIDES ENCODED
THEREBY

Attorney Docket No.: 8535-029-999
JM

FEB 06 2003
TECH CENTER 1600/2900

RECEIVED

AMENDMENT UNDER 37 C.F.R. §1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with Rule 114 of the Rules of Practice, please consider the amendments and remarks below responding to the Notification of Non-Compliance with 37 C.F.R. § 1.192(c) dated November 4, 2002 and an Advisory Action dated September 3, 2002. Applicants submit concurrently herewith (1) Exhibit A, a copy of the marked-up claims; (2) Exhibit B, a copy of the pending claims; (3) a Request For Continued Examination; and (4) a Petition for Extension of Time for two months from December 4, 2002 up to and including February 4, 2003.

IN THE CLAIMS

3. (Twice Amended) An isolated polynucleotide comprising a contiguous stretch of at least [about] 60 nucleotides of [at least] any one of SEQ ID NOS:10-12, 15, 16.

10. (Amended) An isolated polynucleotide comprising a contiguous stretch of at least [about] 30 nucleotides of any one of SEQ ID NO:10, 11, 15, 16.

11. (Amended) An isolated polynucleotide comprising a contiguous stretch of at least [about] 100 nucleotides of [at least] any one of SEQ ID NO:9-17.